

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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FILED

IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY)
COMMISSION'S INVESTIGATION OF)
MATTERS RELATED TO THE FEDERAL)
COMMUNICATIONS COMMISSION'S)
REPORT AND ORDER AND ORDER ON)
REMAND AND FURTHER NOTICE OF)
PROPOSED RULEMAKING IN CC)
DOCKET NOS. 01-338, 96-98, AND 98-147)

JAN 26 2004

INDIANA UTILITY
REGULATORY COMMISSION
CAUSE NO. 42500-S1

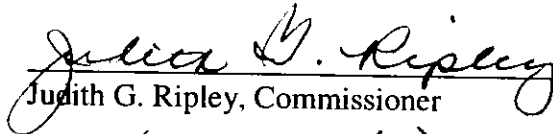
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") makes the following entry in this Cause:

On January 23, 2004, Indiana Bell Telephone Company, Incorporated d/b/a SBC Indiana ("SBC Indiana") filed its *Motion of SBC Indiana for Protection of Confidential and Proprietary Information* ("Motion"), seeking confidential treatment of certain information to be submitted to the Commission in this Cause in connection with its filing of cost studies and related work papers. SBC Indiana seeks this confidential protection pursuant to Indiana Code §§ 8-1-2-29, 5-14-3-4 and 24-2-3-1, and 170 IAC 1-1.1-4. Accompanying the Motion was the Affidavit of Dale A. Lundy, Director-Cost Analysis for SBC. Among other things, the Affidavit states: "The cost studies and supporting information... contain detailed financial information that offers competitors and third parties valuable economic knowledge of the detailed and granular particulars of department specific costs and assets."

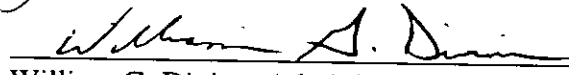
The Presiding Officers, having reviewed the Motion and its accompanying Affidavit, find, with an exception noted below, that there is a sufficient basis for a preliminary confidentiality determination as to the cost studies and related work papers to be submitted to the Commission in this Cause. This preliminary determination to treat SBC Indiana's cost studies and related work papers as confidential is made by application of the trade secret exception to disclosure of public records found at Indiana Code 5-14-3-4 and the Commission's confidentiality procedures found at 170 IAC 1-1.1-4. An exception to this confidentiality determination is that portion of the cost study record or related cost and pricing information, which contains only the proposed costs that translate into final rates and charges, which SBC Indiana recommends the Commission adopt. This particular record is determined not to be confidential because it is anticipated that whatever costs are adopted by the Commission in resolution of this Cause will be published in a final Commission Order, which is a disclosable public record.

Accordingly, SBC Indiana shall hand deliver to the presiding Administrative Law Judge, in a sealed envelope that is clearly marked "confidential," and with the Cause Number noted thereon, the cost studies and related work papers for which confidential treatment is sought. Said cost studies and related work papers shall be treated as confidential and exempt from public disclosure in accordance with Indiana Code 5-14-3. The above-noted record that is excepted from confidential treatment should be marked as non-confidential and filed along with the confidential submission.

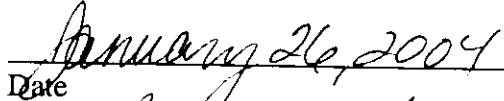
IT IS SO ORDERED.



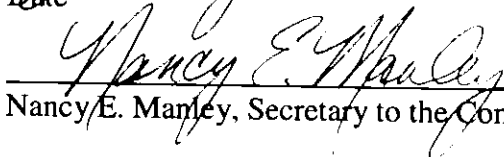
Judith G. Ripley, Commissioner



William G. Divine, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission